

UNITED STATES DISTRICT COURT
DISTRICT OF MASSACHUSETTS

IN RE NEW ENGLAND COMPOUNDING)
PHARMACY, INC. PRODUCTS LIABILITY)
LITIGATION)

THIS DOCUMENT RELATES TO:)
All Actions)

)

MDL No. 2419
Dkt. No 1:13-md-2419 (FDS)

OBJECTION TO SUBPOENA OF MARTIN KELVAS

Come Saint Thomas Outpatient Neurosurgical Center, LLC ("STOPNC") and Howell Allen Clinic, a Professional Corporation ("Howell Allen"), by and through undersigned counsel, and file this objection to the subpoena issued to Martin Kelvas ("Mr. Kelvas") dated June 25, 2013.

STOPNC and Howell Allen received a copy of the subpoena on July 9, 2013, at 4:00 p.m. CDT, the same day this objection is being filed. The subpoena requests various documents and requests testimony, and specifically requests testimony and documents related to Mr. Kelvas's communications with STOPNC and Howell Allen. STOPNC and Howell Allen have not had adequate time to evaluate the scope of the subpoena and its potential impact, but it appears from the face of the subpoena that the deposition testimony may materially impact STOPNC and/or Howell Allen's rights in potential future litigation. As a result, STOPNC and Howell Allen believe they have standing to object to the subpoena.

Therefore, STOPNC and Howell Allen adopt and incorporate as if stated fully herein the objections filed by Mr. Kelvas to the subpoena and specifically move that the

subpoena be quashed or modified such that the document production and testimony can be taken at a later date, if at all, to allow adequate time to prepare and attend the deposition.

Respectfully submitted,

GIDEON, COOPER & ESSARY, PLC

/s/ Chris J. Tardio
C.J. Gideon, Jr., #6034
Chris J. Tardio, #23924
Matthew H. Cline, #31076
John-Mark Zini, #31769
Suite 1100
315 Deaderick Street
Nashville, TN 37238
(615) 254-0400
Attorneys for STOPNC and Howell Allen for the limited purpose of objecting to the subpoena of Martin Kelvas

CERTIFICATE OF SERVICE

This will certify that a true and accurate copy of the foregoing was served on all parties hereto by virtue of the Court's electronic filing system this 9th day of July, 2013.

/s/ Chris J. Tardio
Chris J. Tardio